

“Come back when you’re younger.”

Discrimination against older workers in Victoria



Imagine being told that your decades of experience are a liability rather than an asset — that is the reality facing hundreds of thousands of older Victorians. At the same time as people are needing and choosing to work longer, ageist attitudes and practices are shutting them out.

Age discrimination in Victorian workplaces is common, largely invisible to enforcement agencies, and getting worse. An almost doubling of active employer exclusion of older workers in just two years reveals a problem that existing law and complaints mechanisms are failing to adequately address. Systemic change, not just individual complaints, is required.

This briefing outlines the scale and nature of age discrimination in Victorian workplaces, the policy and legal landscape, and proposes nine broad areas for action.

How widespread is the problem?

One in four Australians over 50 report experiencing ageism in the workplace - by far the most common place where ageism occurs. Over a third of retirees cite ageist barriers as a reason they do not want to return to the workforce.ⁱ

The most alarming recent finding comes from a 2026 national survey of 600 employers: 19% are actively excluding people over 55 from recruitment. Two years earlier, that figure was 11%.ⁱⁱ This is widespread cultural shift and an accelerating problem that demands urgent policy attention.

There is a vast gap between how often discrimination occurs and how often it is formally reported. In 2024–25, the Australian Human Rights Commission (AHRC) received 171 age discrimination complaints, of which 59% related to employment, with around half being successfully resolved by AHRC conciliation processes.ⁱⁱⁱ The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) received 191 employment complaints from people aged 50 and over between July 2020 and December 2025.^{iv}

These figures likely represent only the most determined complainants who have exhausted other options and are prepared to bear the cost and burden of a formal process.

The barriers to taking complaints forward to legal resolution are even higher. The burden of proof is onerous, legal costs are significant, and the success rate is low. Of 108 age

discrimination employment cases reaching Australian courts and tribunals over roughly 25 years, claimants succeeded in only 12.^v That is an 11% success rate. This is not a legal system offering meaningful protection to most older workers.

Those least likely to make complaints and therefore least visible in the data include women, people with caring responsibilities, workers over 60, migrants, Aboriginal and Torres Strait Islander people, and those in insecure employment. The complaint data almost certainly understates discrimination among those most in need of protection.

Recent cases brought to public attention include:

- The Federal Court heard that a 68-year-old senior accountant lost permanent status based on a wrong assumption that he intended to retire the following year. The court ruled that he had been discriminated against.
- An experienced accountant in her 60s felt mocked and devalued by her employer including being told he wished she would “hurry up and retire.” Following a complaint to VEOHRC, conciliation resulted in an apology and financial compensation.
- Successful conciliation was conducted for a man in his 80s employed in the education sector who believed his employer was using redundancy to justify termination based on perceived mental incapacity linked to both age and disability.

What does age discrimination look like at work?

Age discrimination at work relates to diverse aspects of employment, from outright exclusion, being passed over for training, overlooked for promotion, subjected to assumptions about retirement intentions, or denied flexible working arrangements that would make a role viable. Analysis of complaint data suggests recruitment rather than dismissal is the most common time at which discrimination occurs.

While financial loss is at the heart of most claims of age discrimination, many cases also involve workers concerned about disrespectful treatment, reputational damage, and psychological harm.

Age discrimination is the sharp end of what many describe as the “grey ceiling” in employment practices – often based on misconceptions and unfounded assumptions about the capacity and mindset of older workers.

Overt discrimination and unfair treatment is often underpinned by more widespread and subtle expressions of ageism in the workplace and compounded by systemic causes of unequal employment outcomes for older people.

The language employers use is often revealing of discriminatory practice. This includes phrases like “vibrant new blood”, concerns about “bottlenecking” of senior roles, or vague assertions that older workers cannot adapt to new technology reflect assumptions that have little basis in evidence.

One in five human resources professionals still reports having an age above which they are

unlikely to recruit, though this has improved from 52% in 2014. However, progress has stalled or gone backwards in some respects. For example, 18% of HR professionals say they are not at all open to recruiting people over 65.^{vi}

Age discrimination rarely operates alone: it intersects with gender, disability, mental health, and insecure employment in ways that make the cumulative impact far worse than any single factor would suggest.

Technology can itself play a mixed role in age discrimination. Digital tools can help avoid unconscious bias (for example, by automated review of resumes) but can also lock in discrimination (for example, by disallowing an applicant to avoid revealing age on an electronic form).^{vii}

What does the law currently do?

Age discrimination in employment is unlawful under both the federal Age Discrimination Act 2004 and the Victorian Equal Opportunity Act 1997. These laws prohibit discrimination in job advertising, recruitment, training, promotion, conditions, and termination.

However, both laws allow for lawful discrimination in certain defined circumstances, including where an employer can objectively justify differential treatment which can create ambiguity for older workers trying to understand their rights.^{viii} More fundamentally, these laws rely almost entirely on individual complainants to initiate action.^{ix} Given the cost, complexity, and low success rate of formal processes, this model leaves most discrimination unaddressed.

The national Fair Work Act 2009 provides additional, more proactive protections against

adverse action on the basis of age and includes flexible working provisions that indirectly support many older workers. The Victorian Occupational Health and Safety Act 2004 has recently expanded to cover psychosocial hazards including bullying, aggression, and stress which are frequently implicated in age discrimination but are not yet explicitly connected to age equality in enforcement practice.^x

The net result is a patchwork of protections that are individually limited, collectively inconsistent, and inaccessible in practice for most people who experience discrimination.

Who needs to act?

Tackling age discrimination requires coordinated action from government, employers, unions and community organisations. Key institutions with both the standing and the responsibility to lead include:

- **Victorian Chamber of Commerce and Industry** provides advice on workplace relations, runs training and has published occasional articles highlighting the importance of businesses understanding their age discrimination responsibilities.
- **Australian Industry Group** also provides leadership, advice and resources to support industry, with a strong focus on workplace relations. This includes an ongoing interest in equal opportunity and anti-discrimination policy.
- **Victorian Trades Hall Council** coordinates the efforts of 41 unions including campaigns on a variety of industrial and social issues. Workplace rights and fairness for groups of marginalized and disadvantaged workers are key concerns.

- **Victorian Public Sector Commission** leads efforts to ensure all public sector employment is accessible, fair and reflects the diversity of the Victorian population. This includes initiatives to combat bias and discrimination and support inclusive management practices.
- **WorkSafe Victoria**, the state’s statutory authority for safety and wellbeing at work, oversees responsibilities, standards and duties for all workplaces. The WorkWell Toolkit provides guidance on including and supporting ageing workers, including in regard to psychological wellbeing.^{xi}
- **Fair Work Ombudsman** provides national support for provisions of the Fair Work Act 2009 including education and guidance to both employers and employees, and power to inquire into breaches of the Act including discriminatory practices.
- **Australian Human Resources Institute**, in partnership with the AHRC, regularly surveys human resources professionals’ attitudes and behaviours towards older workers, as well as running educational and training opportunities for members on these issues.

Community organisations representing the interests and rights of older people, such as COTA Victoria, also need to be resourced and supported to sustain effective advocacy for age equality in the workforce.

Action for change

We believe that tackling age discrimination in the workplace requires a multipronged approach. Priority should be placed on moving beyond the current reliance on individual complaints and general enforcement of anti-discrimination laws.

At the heart of our advocacy is the idea that age discrimination at work is not just an incident caused by a poor manager. It is a consequence of a lack of a strong culture of age equality, disrespect for older workers and wrongful assumptions about their value and capacity.

Ultimately, solutions to this problem depend on broad change of attitudes across society to combat ageism and shift norms of age equality in the workforce. More specifically targeted action should involve the following elements:

1. Adopt an all-ages approach to equality

A fair go for older workers requires rejecting age-based stereotypes right across the working lifecycle, thereby treating every worker as an individual, not a representative of their generation. This means employers actively building cultures of age equality, not merely avoiding the most obvious violations. It also means attending to the changing needs of workers at every life stage, not only when problems arise.

2. Strengthen employer inclusion policies and training

Age must be consistently and explicitly included as a priority diversity attribute in workplace inclusion policies and in training programmes. This work should be informed by older workers themselves and designed to create genuine ongoing dialogue between managers and staff rather than a one-off compliance exercise. It would be usefully supported by a set of age-friendly workplace standards and associated accreditation processes.

3. Explicitly name and address intersectional discrimination

Age and ageing do not act in isolation from other factors affecting workplace fairness. A more intersectional perspective that recognizes the compounding impacts of age, gender, disability, race and sexuality in creating bias and discrimination in the workplace is needed. This will also help to treat older workers as individuals.

4. Promote successful age discrimination claims

The small number of cases reaching courts and limited data availability from complaints bodies, combined with use of non-disclosure agreements, has restricted the ability to learn from cases. This is gradually changing with precedents being set and stronger focus on transparency. Better sharing and promotion of findings should be part of any future approach to systemic improvement.

5. Resource anti-discrimination bodies to better address age

Neither the AHRC nor VEOHRC currently has the capacity to actively encourage complaints, engage communities, analyse trends across their full range of priorities, or pursue systemic investigations in this area. A targeted resource boost is needed, including to expand focus on positive duty obligations relevant to age equality, improve data analysis, and support education in high-risk sectors.

6. Measure and monitor equality of outcomes

Data on age-related bias and discrimination at the workplace level is fragmented and

inconsistent. An independent agency should be nominated to compile relevant data, conduct ongoing surveys, and support consistent data collection by employers along the lines of the role the Victorian Gender Equality Commissioner plays for gender. Without better data, systemic problems remain invisible.

7. Guide and encourage the use of age-inclusive language

Language is a powerful tool driving ageism and a key factor in the perpetration of employment discrimination. In the same way as sexism, racism, ableism and homophobia have been tackled by shifting norms of acceptable language at work, age also needs to be addressed. This can reduce the perception of bias and ultimately help prevent discrimination itself.

8. Educate older workers to recognise and respond to bias

While it is not primarily the responsibility of individual workers to eliminate discrimination, greater awareness helps. Advice on responding to age-related issues in job applications, and on avoiding common triggers for ageist redundancy decisions can help older workers protect themselves while the broader system catches up.

9. Review and reform existing legislation

A range of reforms to existing legislation and regulations are needed to ensure that age discrimination is effectively addressed. This may include action to:

- a) ensure anti-discrimination and workplace fairness regulations are fully consistent including around exemptions and ability to objectively justify discrimination;

- b) make discrimination law more accessible and reduce barriers to making complaints – including improved approach to burden of proof, use of non-disclosure agreements, and cost recovery;
- c) increase consistency between age discrimination and other anti-discrimination laws, and facilitate more intersectional claims (particularly in regard to disability law elements such as reasonable adjustments);
- d) strengthen requirements for positive duties and inclusive practices likely to support older workers, including protection against psychological harm associated with ageism and access to flexible working arrangements that are critical to older carers.

Next steps

COTA Victoria and Seniors Rights Victoria are committed to building a strong coalition for change on these issues and wants to hear from all stakeholders.

In coming months, we will reach out to key organisations such as those identified above to

discuss how to strengthen action on age discrimination across Victorian workplaces.

We are particularly keen to pursue the development and testing of a common set of ageing-friendly workplace standards, guidelines and associated training and accreditation scheme.

We are equally keen to hear directly from older people about what would make the most difference in their eyes, both in preventing this discrimination from occurring and supporting those affected.

Input on this paper can be provided [through our feedback survey](#) or [by emailing us](#).

ⁱ COTA Australia, State of the Older Nation 2025, www.cota.org.au/SOTON2025

ⁱⁱ <https://www.abc.net.au/news/2026-03-17/employers-excluding-candidates-with-mental-illness-disability/106459246>

ⁱⁱⁱ AHRC, Complaints Statistics 2024-25, <https://humanrights.gov.au/about-us/what-we-do/corporate-publications/corporate-plans-and-reports/annual-report-2024-2025>

^{iv} Data provided on request by VEOHRC.

^v Alysia Blackham, Addressing Age Discrimination in Employment, Report on the findings of Australian Research Council Project DE170100228, University of Melbourne, <https://doi.org/10.46580/124368>

^{vi} AHRI, Employing and retaining older workers, May 2023, <https://www.ahri.com.au/wp->

[content/uploads/230427-Employing-Older-Workers-Report.pdf](#)

^{vii} Kirsten Ferguson, I'm 58 and looking for a new job – how do I avoid age discrimination, *The Age*, February 18, 2026.

^{viii} A Blackham, A Hewitt and J Lam, Reimagining age equality at work, Pursuit, University of Melbourne 2022, at <https://pursuit.unimelb.edu.au/articles/reimagining-age-equality-at-work>

^{ix} These and other flaws in current laws are summarized in A Blackham, op cit.

^x <https://www.worksafe.vic.gov.au/psychosocial-hazards-workplace>

^{xi} <https://www.worksafe.vic.gov.au/resources/workwell-ageing-workforce-ready-age-difference>